

# House File 619 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 442)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to persons convicted of criminal offenses  
2 requiring registration on the sex offender registry or  
3 requiring an additional indeterminate sentence, establishing a  
4 sex offender registry database task force, and providing  
5 penalties.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
7 HF 619  
8 jm/es/25

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1 1 Section 1. Section 13.10, subsection 1, Code 2005, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. h. Any other offense that requires a  
1 4 person to register under chapter 692A.  
1 5 Sec. 2. Section 692A.1, subsection 8, Code 2005, is  
1 6 amended to read as follows:  
1 7 8. "Residence" means the place where a person sleeps,  
1 8 which may include more than one location, and may be mobile or  
1 9 transitory including a shelter or group home.  
1 10 Sec. 3. Section 692A.2, Code 2005, is amended by adding  
1 11 the following new subsection:  
1 12 NEW SUBSECTION. 1A. If a person violates any of the  
1 13 requirements of section 692A.4, the person shall register for  
1 14 an additional ten years beginning from the date the first  
1 15 registration period ends as calculated under this section.  
1 16 Sec. 4. NEW SECTION. 692A.2B RESTRICTIONS ON RESIDENCY  
1 17 NEAR CHILD CARE FACILITIES OR SCHOOLS.  
1 18 1. For purposes of this section, "person" means a person  
1 19 who is required to register under this chapter.  
1 20 2. A person shall not reside within one thousand feet of  
1 21 the real property comprising a public or nonpublic elementary  
1 22 or secondary school or a child care facility.  
1 23 3. A person who resides within one thousand feet of the  
1 24 real property comprising a public or nonpublic elementary or  
1 25 secondary school, or a child care facility, commits an  
1 26 aggravated misdemeanor.  
1 27 4. A person residing within one thousand feet of the real  
1 28 property comprising a public or nonpublic elementary or  
1 29 secondary school or a child care facility does not commit a  
1 30 violation of this section if any of the following apply:  
1 31 a. The person is required to serve a sentence at a jail,  
1 32 prison, juvenile facility, or other correctional institution  
1 33 or facility.  
1 34 b. The person is subject to an order of commitment under  
1 35 chapter 229A.  
2 1 c. The person has established a residence prior to July 1,  
2 2 2005, or a school or child care facility is newly located on  
2 3 or after July 1, 2005.  
2 4 d. The person is a minor or a ward under a guardianship.  
2 5 Sec. 5. Section 692A.4, Code 2005, is amended to read as  
2 6 follows:  
2 7 692A.4 VERIFICATION OF ADDRESS AND TAKING OF PHOTOGRAPH.  
2 8 1. The address of a person required to register under this  
2 9 chapter shall be verified annually as follows:  
2 10 a. On a date which falls within the month in which the  
2 11 person was initially required to register, the department  
2 12 shall mail a verification form to the last reported address of  
2 13 the person. Verification forms shall not be forwarded to the  
2 14 person who is required to register under this chapter if the  
2 15 person no longer resides at the address, but shall be returned

2 16 to the department.  
2 17 b. The person shall complete and mail the verification to  
2 18 the department within ten days of receipt of the form.  
2 19 c. The verification form shall be signed by the person,  
2 20 and state the address at which the person resides. If the  
2 21 person is in the process of changing residences, the person  
2 22 shall state that fact as well as the old and new addresses or  
2 23 places of residence.

2 24 2. Verification of address for a person who has been  
2 25 convicted of an offense under the laws of this state or of  
2 26 another state which would qualify the person as a sexually  
2 27 violent predator shall be accomplished in the same manner as  
2 28 in subsection 1, except that the verification shall be done  
2 29 every three months at times established by the department.

2 30 3. A photograph of a person required to register under  
2 31 this chapter shall be updated, at a minimum, annually. When  
2 32 the department mails the address verification notice in  
2 33 subsection 1, the department shall also enclose a form  
2 34 informing the person to annually submit to being photographed  
2 35 by the sheriff of the county of the person's residence within  
3 1 ten days of receipt of the address verification form. The  
3 2 sheriff shall send the updated photograph to the department  
3 3 within ten days of the photograph being taken and the  
3 4 department shall post the updated photograph on the sex  
3 5 offender registry's web page. The sheriff may require the  
3 6 person to submit to being photographed by the sheriff more  
3 7 than once a year by mailing another notice informing the  
3 8 person to submit to being photographed.

3 9 Sec. 6. NEW SECTION. 692A.4A ELECTRONIC MONITORING.

3 10 A person required to register under this chapter who is  
3 11 placed on probation, parole, work release, or any other type  
3 12 of conditional release, or serving an additional term of years  
3 13 under chapter 901A or section 902.14 or 903.2A, shall be  
3 14 supervised by an electronic tracking and monitoring system in  
3 15 addition to any other conditions of supervision.

3 16 Sec. 7. Section 692A.5, subsection 1, paragraph h, Code  
3 17 2005, is amended to read as follows:

3 18 h. Inform the person, if the person's residency is  
3 19 restricted under section 692A.2A, that the person shall not  
3 20 reside within two thousand feet of the real property  
3 21 comprising a public or nonpublic elementary or secondary  
3 22 school, or a child care facility. After June 30, 2005, inform  
3 23 the person, if the person's residency is restricted under  
3 24 section 692A.2B, that the person shall not reside within one  
3 25 thousand feet of the real property comprising a public or  
3 26 nonpublic elementary or secondary school, or a child care  
3 27 facility.

3 28 Sec. 8. Section 692A.5, subsection 1, Code 2005, is  
3 29 amended by adding the following new paragraph:

3 30 NEW PARAGRAPH. i. Inform the person that the person must,  
3 31 at a minimum, annually submit to being photographed by the  
3 32 sheriff of the county of the person's residence.

3 33 Sec. 9. Section 692A.13, subsection 5, Code 2005, is  
3 34 amended to read as follows:

3 35 5. Relevant information provided to the general public may  
4 1 include the offender's name, address, a photograph, locations  
4 2 frequented by the offender, relevant criminal history  
4 3 information from the registry, and any other relevant  
4 4 information. Relevant information provided to the public  
4 5 shall not include the identity of any victim. The general  
4 6 public may post any relevant information at public  
4 7 institutions including but not limited to a school, post  
4 8 office, or library, subject to local ordinances or policies  
4 9 adopted by those public institutions.

4 10 Sec. 10. Section 692A.13, Code 2005, is amended by adding  
4 11 the following new subsection:

4 12 NEW SUBSECTION. 5A. The department, on an annual basis,  
4 13 shall publish all the names and addresses of the registered  
4 14 sex offenders in each county in a newspaper of general  
4 15 circulation in the county. The department, on a monthly  
4 16 basis, shall also publish any new additions to the sex  
4 17 offender registry for each county in a newspaper of general  
4 18 circulation in the county. Notwithstanding section 618.10,  
4 19 the costs for publication shall be submitted to the treasurer  
4 20 of state and shall be paid by the treasurer of state from the  
4 21 general fund of the state, otherwise publication shall be  
4 22 pursuant to chapter 618. The treasurer of state, in  
4 23 consultation with the department, shall adopt rules in  
4 24 accordance with chapter 17A to implement this subsection.

4 25 Sec. 11. Section 709.8, unnumbered paragraph 2, Code 2005,  
4 26 is amended to read as follows:

4 27 Any person who violates a provision of this section shall,  
4 28 upon conviction, be guilty of a class "D" felony. ~~A person~~  
4 29 ~~who violates a provision of this section and who is sentenced~~  
4 30 ~~to a term of confinement shall also be sentenced to an~~  
4 31 ~~additional term of parole or work release not to exceed two~~  
4 32 ~~years. The board of parole shall determine whether the person~~  
4 33 ~~should be released on parole or placed in a work release~~  
4 34 ~~program. The sentence of an additional term of parole or work~~  
4 35 ~~release supervision shall commence immediately upon the~~  
5 1 ~~expiration of the preceding sentence and shall be under the~~  
5 2 ~~terms and conditions as set out in chapter 906. Violations of~~  
5 3 ~~parole or work release shall be subject to the procedures set~~  
5 4 ~~out in chapter 905 or 908 or rules adopted under those~~  
5 5 ~~chapters. The sentence of an additional term of parole or~~  
5 6 ~~work release shall be consecutive to the original term of~~  
5 7 ~~confinement.~~

5 8 Sec. 12. Section 901.5, Code 2005, is amended by adding  
5 9 the following new subsection:

5 10 NEW SUBSECTION. 13. In addition to any sentence or other  
5 11 penalty imposed against the defendant, the court shall  
5 12 sentence the defendant to an additional term of years if  
5 13 required under chapter 901A, or section 902.14 or 903.2A.

5 14 Sec. 13. Section 901A.2, subsection 8, Code 2005, is  
5 15 amended to read as follows:

5 16 8. In addition to any other sentence imposed on a person  
5 17 convicted of a sexually predatory offense pursuant to  
5 18 subsection 1, 2, or 3, the person shall be sentenced to an  
5 19 additional indeterminate term of parole or work release years  
5 20 not to exceed two years. The board of parole shall determine  
5 21 whether the person should be released on parole or placed in a  
5 22 work release program. ~~The sentence of parole supervision~~  
5 23 ~~shall commence immediately upon the person's release by the~~  
5 24 ~~board of parole and shall be under the~~ When a person commences  
5 25 service of the additional term of years, the person shall  
5 26 initially be released by the board of parole subject to the  
5 27 terms and conditions as set out in chapter 906. Violations of  
5 28 parole or work release terms and conditions of release shall  
5 29 be subject to the procedures set out in chapter 905 or 908 or  
5 30 rules adopted under those chapters. For purposes of  
5 31 disposition of a parole violator upon revocation of parole or  
5 32 work release, the sentence of an additional term of parole or  
5 33 work release shall be considered part of the original term of  
5 34 commitment to the department of corrections.

5 35 Sec. 14. NEW SECTION. 902.14 ADDITIONAL TERM OF YEARS ==  
6 1 FELONIES.

6 2 A person who is convicted of a felony under chapter 709, or  
6 3 under section 692A.7, 708.2A, 708.11, or 726.2, and who is  
6 4 committed to the custody of the director of the department of  
6 5 corrections to serve a term of confinement shall also be  
6 6 sentenced to an additional indeterminate term of years not to  
6 7 exceed two years. The board of parole shall determine whether  
6 8 the person should be released on parole or placed in a work  
6 9 release program. When a person commences service of the  
6 10 additional term of years, the person shall initially be  
6 11 released by the board of parole subject to the terms and  
6 12 conditions set out in chapter 906. Violations of the terms  
6 13 and conditions of release shall be subject to the procedures  
6 14 set out in chapter 905 or 908 or rules adopted under those  
6 15 chapters. The sentence of an additional term of years shall  
6 16 be consecutive to the original term of confinement.

6 17 Sec. 15. NEW SECTION. 903.2A ADDITIONAL TERM OF YEARS ==  
6 18 MISDEMEANORS.

6 19 A person who is convicted of an aggravated misdemeanor  
6 20 under chapter 709, or section 692A.7 or 708.11, and who is  
6 21 committed to the custody of the director of the department of  
6 22 corrections to serve a term of confinement shall also be  
6 23 sentenced to an additional indeterminate term of years not to  
6 24 exceed two years. The board of parole shall determine whether  
6 25 the person should be released on parole or placed in a work  
6 26 release program. When a person commences service of the  
6 27 additional term of years, the person shall initially be  
6 28 released by the board of parole subject to the terms and  
6 29 conditions set out in chapter 906. Violations of the terms  
6 30 and conditions of release shall be subject to the procedures  
6 31 set out in chapter 905 or 908 or rules adopted under those  
6 32 chapters. The sentence of an additional term of years shall  
6 33 be consecutive to the original term of confinement.

6 34 Sec. 16. Section 903A.2, subsection 1, paragraph a, Code  
6 35 2005, is amended to read as follows:

7 1 a. Category "A" sentences are those sentences which are  
7 2 not subject to a maximum accumulation of earned time of

7 3 fifteen percent of the total sentence of confinement under  
7 4 section 902.12. To the extent provided in subsection 5,  
7 5 category "A" sentences also include life sentences imposed  
7 6 under section 902.1. An inmate of an institution under the  
7 7 control of the department of corrections who is serving a  
7 8 category "A" sentence is eligible for a reduction of sentence  
7 9 equal to one and two-tenths days for each day the inmate  
7 10 demonstrates good conduct and satisfactorily participates in  
7 11 any program or placement status identified by the director to  
7 12 earn the reduction. The programs include but are not limited  
7 13 to the following:

- 7 14 (1) Employment in the institution.
- 7 15 (2) Iowa state industries.
- 7 16 (3) An employment program established by the director.
- 7 17 (4) A treatment program established by the director.
- 7 18 (5) An inmate educational program approved by the  
7 19 director.

7 20 However, an inmate required to participate in a sex  
7 21 offender treatment program shall not be eligible for a  
7 22 reduction of sentence unless the inmate participates in and  
7 23 completes a sex offender treatment program established by the  
7 24 director.

7 25 An inmate serving a category "A" sentence is eligible for  
7 26 an additional reduction of sentence of up to three hundred  
7 27 sixty-five days of the full term of the sentence of the inmate  
7 28 for exemplary acts. In accordance with section 903A.4, the  
7 29 director shall by policy identify what constitutes an  
7 30 exemplary act that may warrant an additional reduction of  
7 31 sentence.

7 32 Sec. 17. Section 906.15, unnumbered paragraph 1, Code  
7 33 2005, is amended to read as follows:

7 34 Unless sooner discharged, a person released on parole shall  
7 35 be discharged when the person's term of parole equals the  
8 1 period of imprisonment specified in the person's sentence,  
8 2 less all time served in confinement. Discharge from parole  
8 3 may be granted prior to such time, when an early discharge is  
8 4 appropriate. The board shall periodically review all paroles,  
8 5 and when the board determines that any person on parole is  
8 6 able and willing to fulfill the obligations of a law-abiding  
8 7 citizen without further supervision, the board shall discharge  
8 8 the person from parole. A parole officer shall periodically  
8 9 review all paroles assigned to the parole officer, and when  
8 10 the parole officer determines that any person assigned to the  
8 11 officer is able and willing to fulfill the obligations of a  
8 12 law-abiding citizen without further supervision, the officer  
8 13 may discharge the person from parole after notification and  
8 14 approval of the district director and notification of the  
8 15 board of parole. In any event, discharge from parole shall  
8 16 terminate the person's sentence. If a person has been  
8 17 sentenced to an additional term of years under chapter 901A,  
8 18 or section 902.14 or 903.2A, the person may be discharged from  
8 19 the term in the same manner as a person on parole. However, a  
8 20 person convicted of a violation of section 709.3, 709.4, or  
8 21 709.8 committed on or with a child, or a person serving a  
8 22 sentence under section 902.12, shall not be discharged from  
8 23 parole until the person's term of parole equals the period of  
8 24 imprisonment specified in the person's sentence, less all time  
8 25 served in confinement.

8 26 Sec. 18. NEW SECTION. 906.19 APPLICABILITY OF ADDITIONAL  
8 27 TERM OF YEARS.

8 28 Notwithstanding chapter 901A, or section 902.14 or 903.2A,  
8 29 if a person is paroled prior to the expiration of the person's  
8 30 term and prior to the commencement of the additional term of  
8 31 years, the person shall not serve the additional term of  
8 32 years.

8 33 Sec. 19. ADDITIONAL TERM OF YEARS == REPORT. The  
8 34 department of corrections and the eight judicial district  
8 35 departments of correctional services, in cooperation with the  
9 1 division of criminal and juvenile justice planning of the  
9 2 department of human rights, the state public defender, and the  
9 3 office of the prosecuting attorneys training coordinator in  
9 4 the department of justice, shall compile and provide a report  
9 5 regarding offenders serving an additional term of years, to  
9 6 the general assembly, cochairpersons and ranking members of  
9 7 the joint appropriations subcommittee on the justice system,  
9 8 and the legislative services agency on or before January 15,  
9 9 2007. The report shall include the actual number of offenders  
9 10 sentenced to serve an additional term of years from July 1,  
9 11 2006, through December 31, 2006, in each judicial district,  
9 12 including each offender's race and gender. The report shall  
9 13 also include the anticipated number of offenders who will be

9 14 serving an additional term of years in each judicial district  
9 15 in the fiscal year beginning July 1, 2006, and ending June 30,  
9 16 2007, and the fiscal year beginning July 1, 2007, and ending  
9 17 June 30, 2008. The report shall detail the number of  
9 18 probation and parole officers and staff needed to supervise  
9 19 offenders serving an additional term of years and the capacity  
9 20 to supervise such offenders in each judicial district. The  
9 21 report shall detail actual expenditures related to supervising  
9 22 offenders serving an additional term of years for the fiscal  
9 23 year beginning July 1, 2006, and ending June 30, 2007, and the  
9 24 revenue source and budgeted expenditures for the fiscal year  
9 25 beginning July 1, 2007, and ending June 30, 2008. The report  
9 26 shall include any quantitative measures analyzing persons  
9 27 serving an additional term of years.

9 28 Sec. 20. SEX OFFENDER REGISTRY DATABASE TASK FORCE.

9 29 1. The department of administrative services is directed  
9 30 to create a sex offender registry database task force to  
9 31 develop a plan to integrate state government databases for the  
9 32 purpose of updating addresses of persons on the sex offender  
9 33 registry so that local law enforcement agencies have access to  
9 34 more timely and accurate address information regarding sex  
9 35 offenders. The state government database proposed for  
10 1 development by the task force shall not be considered a  
10 2 replacement of any other databases used to track sex offenders  
10 3 pursuant to chapter 692A. The department shall provide staff  
10 4 support to the task force, and the task force may utilize  
10 5 staff support and other assistance provided to the task force  
10 6 by other departments or associations. Members of the task  
10 7 force shall include representatives of the following state  
10 8 agencies or associations:

10 9 a. Department of administrative services.  
10 10 b. Department of public safety.  
10 11 c. Department of transportation.  
10 12 d. Department of workforce development.  
10 13 e. Department of human services.  
10 14 f. Department of education.  
10 15 g. Department of justice.  
10 16 h. Iowa state sheriffs' and deputies' association.  
10 17 i. Iowa association of chiefs of police and peace  
10 18 officers.

10 19 2. The task force may consult with other public and  
10 20 private agencies and may seek expertise from a national  
10 21 organization.

10 22 3. The duties of the task force shall include the  
10 23 following:

10 24 a. Study the feasibility of developing an integrated state  
10 25 government database system designed to share sex offender  
10 26 registry information with local law enforcement agencies.  
10 27 b. Establish an organizational structure for such a  
10 28 system.  
10 29 c. Analyze any fiscal impact of such a system on the state  
10 30 and political subdivisions of the state.  
10 31 d. Review related confidentiality and legal issues.  
10 32 e. Develop cost-effective methods of sharing sex offender  
10 33 registry information with local law enforcement agencies after  
10 34 an integrated system is put into place.

10 35 4. The task force shall file a progress report with the  
11 1 executive branch, judicial branch, and the general assembly by  
11 2 December 30, 2005.

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11 4 jm:rj/es/25